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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,494

02/07/2006

Julian Dakowski

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EXAMINER

SIVANESAN, SIVALINGAM

ART UNIT

PAPER NUMBER

2121

MAIL DATE

DELIVERY MODE

06/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,494	Applicant(s) DAKOWSKI, JULIAN	
	Examiner SIVALINGAM SIVANESAN	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-22 and 26-37 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 34-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 20-22 and 26-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/07/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :02/07/06, 11/01/07, 02/12/08,07/07/08,01/13/09,02/13/09.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I (claim 1-17, 20-22 and 26-33) in the reply filed on 06/04/2009 is acknowledged. The traversal is not found persuasive because of the earlier reasons which are set forth in the "Requirement for Restriction/election".

The requirement is still deemed proper and is therefore made FINAL.

Claims 19, 34-37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b). Applicant timely traversed the restriction (election) requirement in the reply filed on 06/04/2009.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8-11, 13-14, 20-22, 26, 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 02/080135 A1.

3. Nakayama et al. (US 2004/0109987 A1; Hereinafter referred as Nakayama) is the English-language equivalent of WO 02/080135 A1, and will be the reference cited in the rejection below.

4. Regarding claim 1, Nakayama discloses a process for manufacturing an article comprising a substrate and an overlay that is at least one of translucent, semi-transparent or

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transparent, the substrate having a contoured surface and the overlay being provided over at least a portion of said contoured surface, the process comprising:

- (a) using a computer system to generate data corresponding to a three-dimensional image([0073];Fig.3-4)
- (b) using the generated data to control an apparatus to form at least a portion of a mould for defining the contoured surface of the substrate(fig.3-4);
- (c) using said mould to form at least the contoured surface of the substrate (Fig. 3-4; claim 6-10) and
- (d) providing the overlay over said at least a portion of the contoured surface (Fig.3-4; claim 6-10)

5. Regarding claim 2, Nakayama discloses everything as applied above (see claim 1). In addition Nakayama discloses a process as claimed in claim 1, wherein said substrate is formed by at least one of: moulding, pressing or embossing([0020];claim 9).

6. Regarding claim 3 and 4, Nakayama discloses everything as applied above (see claim 1). In addition Nakayama discloses a process, wherein at least a portion of an outer surface of the overlay is substantially planer (Fig. 1).

7. Regarding claim 5 and 26, Nakayama discloses everything as applied above (see claim 1 and claim 4). In addition Nakayama discloses a process as claimed in claim 1, wherein the overlay is initially a liquid medium and the process includes providing the liquid medium on the contoured surface ([0019]).

8. Regarding claim 8, Nakayama discloses everything as applied above (see claim 1). In addition Nakayama discloses a process further comprising supplying data corresponding to a

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two-dimensional image to the computer system and generating the data corresponding to the three-dimensional image from said two-dimensional image data ([0073]).

9. Regarding claim 9, Nakayama discloses everything as applied above (see claim 1 and claim 8). In addition Nakayama discloses a process wherein the two-dimensional image data corresponds to a photographic image or a picture ([0087]).

10. Regarding claim 10, Nakayama discloses everything as applied above (see claim 1 and claim 8). In addition Nakayama discloses a process as claimed in claim 8, wherein the two-dimensional image data supplied to the computer system corresponds to at least one of a colour photographic image or picture and the process further comprises converting at least one of the two-dimensional or three-dimensional image data to monochrome greyscale image data([0093] - [0094]; Fig. 7).

11. Regarding claim 11, Nakayama discloses everything as applied above (see claim 1). In addition Nakayama discloses a process as claimed in claim 1, further comprising coating the contoured surface with a reflective material ([0008]; [0015]; [0068]);

12. Regarding claim 13, Nakayama discloses everything as applied above (see claim 1). In addition Nakayama discloses a process as claimed I , wherein the substrate is made of clay, ceramic, glass, metal, resin or plastic([0067]).

13. Regarding claim 14, Nakayama discloses everything as applied above (see claim 1). In addition Nakayama discloses a process as claimed I, wherein the overlay is a glaze, glass, resin, enamel or plastic([0018]).

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14. Regarding claim 20 and 21, Nakayama discloses a process for manufacturing an article comprising a substrate and a member that is at least one of translucent, semi-transparent or transparent, the member having a contoured surface and the substrate being provided over at least a portion of said contoured surface, the process comprising: (a) using a computer system to generate data corresponding to a three-dimensional image([0073];Fig.3-4);

(b) using the generated data to control an apparatus to form at least a portion of a mould for defining the contoured surface of the member(fig.3-4; [0067]);

(c) using said mould to form at least the contoured surface of the member([0067]); and

(d) providing the substrate over said at least a portion of the contoured surface([0067]).

15. Regarding claim 22, Nakayama discloses everything as applied above (see claim 20). In addition Nakayama discloses a process as claimed in claim 20, wherein the substrate is coating that is at least one of reflective or mirrored ([0008]; [0015]; [0068]).

16. Regarding claim 26, Nakayama discloses everything as applied above (see claim 4). In addition Nakayama discloses a process as claimed in claim 4, wherein the overlay is initially a liquid medium and the process includes providing the liquid medium on the contoured surface ([0019]).

17. Regarding claim 28, Nakayama discloses everything as applied above (see claim 4). In addition Nakayama discloses a process as claimed in claim 4, further comprising supplying data corresponding to a two-dimensional image to the computer system and generating the data corresponding to the three-dimensional image from said two-dimensional image data ([0073]).

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18. Regarding claim 29, Nakayama discloses everything as applied above (see claim 4). In addition Nakayama discloses a process as claimed in claim 4, further comprising coating the contoured surface with a reflective material ([0008]; [0015]; [0068]).

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Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 6-7 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama as applied to claims 1 and 26 above, and further in view of Official Notice.

21. Regarding claim 6, Nakayama discloses everything as applied above (see claim 1 and claim 5). Nakayama does not disclose a process, wherein the overlay is initially a solid medium and the process includes providing the solid medium on the contoured surface and converting it to a liquid.

However, examiner takes Official Notice that this feature is well known in the art and it is the general knowledge of a person of ordinary skill in the art. A person of ordinary skill would have been motivated to combine this feature with the Nakayama's invention for the purpose of using solid medium to facilitate the overlaying on the contoured surface.

22. Regarding claim 7, Nakayama discloses everything as applied above (see claim 1 and claim 5-6). Nakayama does not disclose a process, wherein the solid medium is converted to a liquid by applying heat. However, examiner takes Official Notice that this feature is well known in the art and it is the general knowledge of a person of ordinary skill in the art. A person of ordinary skill would have been motivated to combine this feature with the Nakayama's invention for the purpose of using solid medium to pour overlay on the contoured surface.

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23. Regarding claim 27, Nakayama discloses everything as applied above (see claim 4).

Nakayama does not disclose a process, wherein the overlay is initially a solid medium and the process includes providing the solid medium on the contoured surface and converting it to a liquid.

However, examiner takes Official Notice that this feature is well known in the art and it is the general knowledge of a person of ordinary skill in the art. A person of ordinary skill would have been motivated to combine this feature with the Nakayama's invention for the purpose of using solid medium to facilitate the overlaying on the contoured surface.

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24. Claims 12 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama as applied to claim 1 above, and further in view of Sorm Michel (WO 00/56558; Hereinafter referred as Sorm, provided by Applicant).

25. Regarding claim 12, Nakayama discloses everything as applied above (see claim 1 and claim 5-6). Nakayama does not disclose a process, wherein the article is a tile. However Sorm, in an analogous art, discloses a process in which the article is tile.

It would have been obvious that a person of ordinary skill in the art would have combined this feature with the invention of Nakayama to increase the appearance of the tile.

26. Regarding claim 30, Nakayama discloses everything as applied above (see claim 4). Nakayama does not disclose a process, wherein the article is a tile. However Sorm, in an analogous art, discloses a process in which the article is tile.

It would have been obvious that a person of ordinary skill in the art would have combined this feature with the invention of Nakayama to increase the appearance of the tile.

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27. Claims 15 – 17, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama as applied to claim 1 above, and further in view of Dufort (EP 1318003 A1, provided by Applicant).

28. Regarding claim 15, Nakayama discloses everything as applied above (see claim 1). Nakayama does not disclose a process, wherein the article is a bar of soap and at least one of the substrate and the overlay is made of soap. However Dufort discloses that a process wherein the article is a bar of soap and at least one of the substrate and the overlay is made of soap ([0017]; claim15). A person of ordinary skill would have combined this feature with the invention of Nakayama in order to enhance the appearance of the soap.

29. Regarding claim 16, Nakayama discloses everything as applied above (see claim 1). Nakayama does not disclose a process wherein the article is a foodstuff and the substrate and the overlay are edible. However Dufort discloses that a process which the article is formed from material such as candy or chocolate ([0017]; claim14). A person of ordinary skill would have combined this feature with the invention of Nakayama in order to enhance the look of the candy.

30. Regarding claim 17, Nakayama discloses everything as applied above (see claim 1). Nakayama does not disclose a process wherein said apparatus is a computer numerically controlled engraving or milling machine. However Dufort discloses a process in which the apparatus is a numerically controlled milling machine ([0036]). A person of ordinary skill would have included this feature with the Nakayama's invention in order to use the intensity data to machine the mould for further enhancements.

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31. Regarding claim 31, Nakayama discloses everything as applied above (see claim 4).

Nakayama does not disclose a process, wherein the article is a bar of soap and at least one of the substrate and the overlay is made of soap. However Dufort discloses that a process wherein the article is a bar of soap and at least one of the substrate and the overlay is made of soap ([0017]; claim15). A person of ordinary skill would have combined this feature with the invention of Nakayama in order to enhance the appearance of the soap.

32. Regarding claim 32, Regarding claim 16, Nakayama discloses everything as applied above (see claim 4). Nakayama does not disclose a process wherein the article is a foodstuff and the substrate and the overlay are edible. However Dufort discloses that a process which the article is formed from material such as candy or chocolate ([0017]; claim14). A person of ordinary skill would have combined this feature with the invention of Nakayama in order to enhance the look of the candy.

33. Regarding claim 33, Nakayama discloses everything as applied above (see claim 4). Nakayama does not disclose a process wherein said apparatus is a computer numerically controlled engraving or milling machine. However Dufort discloses a process in which the apparatus is a numerically controlled milling machine ([0036]). A person of ordinary skill would have included this feature with the Nakayama's invention in order to use the intensity data to machine the mould for further enhancements.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIVALINGAM SIVANESAN whose telephone number is (571)270-7258. The examiner can normally be reached on 9:00 - 4:30 daily.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 5712723819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SIVALINGAM SIVANESAN/
Examiner, Art Unit 2121

/Ryan A. Jarrett/
Primary Examiner, Art Unit 2121